

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re

Victor Bostic,

Debtor.

Case No. 19-41291-cec

CHAPTER 13

AFFIRMATION IN OPPOSITION TO MOTION TO DISMISS

David J. Doyaga, Esq. Sr., an attorney duly admitted to practice law in the State of New York does hereby affirm under penalty of perjury as follows:

1. That I am the attorney for Victor Bostic (the “Debtor”) and am fully familiar with all the facts and circumstances herein.

2. This affirmation is submitted in opposition to Michael J. Macco, the Chapter 13 Trustee's motion seeking to dismiss of the subject Chapter 13 Petition.

3. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 13 on March 5, 2019.

4. The Trustee states that the Debtor has failed to "provide the Trustee with an amended Schedule E/F to add 2018 tax liability or show proof it was paid; amend Schedule J to add mortgage expense; proof of May mortgage payment; and proof of post-petition real estate and property insurance payments have been made." On May 13, 2019, my paralegal, Cathy Nigro uploaded to Michael J. Macco's portal Debtor's May mortgage payment, proof of property insurance payment. On May 21, 2019, my paralegal, Cathy Nigro uploaded to Michael J. Macco's portal Debtor's amended Schedule E to add his 2018 tax liability and amended Schedule J to add Debtor's mortgage expense. On May 22, 2019, my paralegal, Cathy Nigro uploaded to Michael J. Macco's portal Debtor's proof of post-petition real estate tax payment.

5. the Debtor is current with Trustee payments and all post-petition mortgage, real estate taxes,

and insurance payments. Therefore, the Debtor is requesting that the Motion to Dismiss is adjourned to give the Debtor an opportunity to sell his property located at 99 Sumner Place, Staten Island, NY to pay all creditors in full. A copy of Debtor's Listing Agreement is annexed hereto as Exhibit "A".

WHEREFORE, it is respectfully requested that the Movant's motion to dismiss the subject Chapter 13 petition should be denied in its entirety and for such other and further relief as to this court may seem just and proper.

Dated: Brooklyn, New York
May 23, 2019

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